

§ 151.2041

33 CFR Ch. I (7–1–04 Edition)

(3) *For a vessel bound for the Hudson River north of the George Washington Bridge.* You must telefax the information to the COTP New York at 718-354-4249 before the vessel enters the waters of the United States (12 miles from the baseline).

(4) *For a vessel not addressed in paragraphs (c)(1), (c)(2), and (c)(3) of this section.* Before the vessel arrives at the first port of call in the waters of the United States, you must—

(i) Mail the information to U.S. Coast Guard, c/o Smithsonian Environmental Research Center (SERC), P.O. Box 28, Edgewater, MD 21037-0028; or

(ii) Transmit the information electronically to the NBIC at <http://invasions.si.edu/ballast.htm> or e-mail it to ballast@serc.si.edu; or

(iii) Fax the information to the Commandant, U.S. Coast Guard, c/o the NBIC at 301-261-4319.

(iv) A single report that includes the ballast discharge information for all U.S. ports that will be entered during this voyage will be accepted unless the vessel exits the EEZ during transits.

(d) If the information submitted in accordance with paragraph (c) of this section changes, you must submit an amended form before the vessel departs the waters of the United States.

(e) This subpart does not authorize the discharge of oil or noxious liquid substances (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant must be discharged in accordance with the applicable regulations.

(f) This subpart does not affect or supersede any requirement or prohibition pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 to 1376).

[USCG-1998-3423, 64 FR 26682, May 17, 1999, as amended at 66 FR 58391, Nov. 21, 2001]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32869, June 14, 2004, § 151.2040 was revised, effective Aug. 13, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 151.2040 What are the mandatory ballast water management requirements for vessels equipped with ballast tanks that operate in the waters of the United States and are bound for ports or places in the United States?

(a) A vessel bound for the Great Lakes or Hudson River, which has operated beyond the EEZ (which includes the equivalent zone of Canada) during any part of its voyage regardless of intermediate ports of call within the waters of the United States or Canada, must comply with §§ 151.2041 and 151.2045 of this subpart, as well as with the provisions of 15 CFR 754.2(j)(1)(iii). Section 15 CFR 754.2(j)(1)(iii) requires a mandatory program of deep water ballast exchange unless doing so would endanger the safety of the vessel or crew.

(b) A vessel engaged in the foreign export of Alaskan North Slope Crude Oil must comply with §§ 151.2041 and 151.2045 of this subpart, as well as with the provisions of 15 CFR 754.2(j)(1)(iii). Section 15 CFR 754.2(j)(1)(iii) requires a mandatory program of deep water ballast exchange unless doing so would endanger the safety of the vessel or crew.

(c) A vessel not covered by paragraphs (a) or (b) of this section and is bound for ports or places in the United States must comply with §§ 151.2041 and 151.2045 of this subpart.

(d) This subpart does not authorize the discharge of oil or noxious liquid substances (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant must be discharged in accordance with applicable regulations.

(e) This subpart does not affect or supersede any requirement or prohibition pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 to 1376).

§ 151.2041 What are the mandatory ballast water reporting requirements for all vessels equipped with ballast tanks bound for ports or places in the United States?

(a) Ballast water reporting requirements exist for each vessel bound for ports or places in the United States regardless of whether a vessel operated outside of the EEZ (which includes the equivalent zone of Canada), unless exempted in §§ 151.2010 or 151.2015.

(b) The master, owner, operator, agent, or person-in-charge of a vessel to whom this section applies must provide the information required by § 151.2045 in electronic or written form (OMB form Control No. 1625-0069) to the Commandant, U.S. Coast Guard or the appropriate COTP as follows:

(1) For any vessel bound for the Great Lakes from outside the EEZ

(which includes the equivalent zone of Canada).

(i) You must fax the required information at least 24 hours before the vessel arrives in Montreal, Quebec to either the USCG COTP Buffalo, Massena Detachment (315-769-5032), or the St. Lawrence Seaway Development Corporation (315-764-3250); or

(ii) If you are not a U.S. or Canadian Flag vessel, you may complete the ballast water information section of the St. Lawrence Seaway required "Pre-entry Information from Foreign Flagged Vessels Form" and submit it in accordance with the applicable Seaway Notice in lieu of this requirement.

(2) For any vessel bound for the Hudson River north of the George Washington Bridge entering from outside the EEZ (which includes the equivalent zone of Canada). You must fax the information to the COTP New York (718-354-4249) at least 24 hours before the vessel enters New York, New York.

(3) For any vessel not addressed in paragraphs (b)(1) and (b)(2) of this section, which is equipped with ballast water tanks and bound for ports or places in the United States. If your voyage is less than 24 hours, you must report before departing your port or place of departure. If your voyage exceeds 24 hours, you must report at least 24 hours before arrival at your port or place of destination. All required information is to be sent to the National Ballast Information Clearinghouse (NBIC) using only one of the following means:

(i) Internet at: <http://invasions.si.edu/NBIC/bwform.html>;

(ii) E-mail to NBIC@BALLASTREPORT.ORG;

(iii) Fax to 301-261-4319; or

(iv) Mail to U.S. Coast Guard, c/o SERC (Smithsonian Environmental Research Center), P.O. Box 28, Edgewater, MD 21037-0028.

(c) If the information submitted in accordance with this section changes, you must submit an amended form before the vessel departs the waters of the United States.

[USCG-2002-13147, 69 FR 32870, June 14, 2004]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32870, June 14, 2004, § 151.2041 was redesignated as § 151.2043 and a new § 151.1041 was added, effective Aug. 13, 2004.

§ 151.2043 Equivalent Reporting Methods for vessels other than those entering the Great Lakes or Hudson River.

(a) For ships required to report under § 151.2040(c)(4) the Chief, Environmental Standards Division (G-MSO-4), acting for the Assistant Commandant for Marine Safety, Security and Environmental Protection (G-M) may, upon receipt of a written request, consider and approve alternative methods of reporting if:

(1) Such methods are at least as effective as that required by § 151.2040(c)(4); and

(2) Compliance with the requirement is economically or physically impractical.

(i) The Chief, Environmental Standards Division (G-MSO-4) will take approval or disapproval action on the request submitted in accordance with paragraph (a) of this section within 30 days of receipt of the request.

(ii) [Reserved]

[USCG-1998-3423, 66 FR 58391, Nov. 21, 2001, as amended by USCG-2002-12471, 67 FR 41332, June 18, 2002. Redesignated by USCG-2002-13147, 69 FR 32870, June 14, 2004]

EFFECTIVE DATE NOTE: By USCG-2002-13147, 69 FR 32870, June 14, 2004, § 151.2041 was redesignated as § 151.2043, effective Aug. 13, 2004. Newly redesignated § 151.2043 was amended in the section heading by adding the words "after operating outside the EEZ or Canadian equivalent" after the words "Hudson River," and in paragraphs (a) and (a)(1), by removing the text "§ 151.2040(c)(4)" and adding, in its place, the text, "§ 151.2041", effective Aug. 13, 2004.

§ 151.2045 What are the mandatory recordkeeping requirements for vessels equipped with ballast tanks that enter the waters of the United States after operating beyond the Exclusive Economic Zone (EEZ)?

(a) The master, owner, operator, or person in charge of a vessel entering the waters of the United States after operating beyond the EEZ, unless specifically exempted by §§ 151.2010 or 151.2015 must keep written, records that include the following information (Note: Ballast tank is any tank or hold that carries ballast water regardless of design):

(1) *Vessel information.* Include the—
(i) Name;